

PROVIDING FOR CONSIDERATION OF H.R. 3061, DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED
AGENCIES APPROPRIATION ACT, 2002

OCTOBER 10, 2001.—Referred to the House Calendar and ordered to be printed

Ms. PRYCE of Ohio, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 258]

The Committee on Rules, having had under consideration House Resolution 258, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3061, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 2002, under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriation bill) against provisions in the bill. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation). The rule makes in order an amendment printed in this report, which may be offered only by a Member designated in this report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All

points of order against the amendment printed in this report are waived.

The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill includes a waiver of clause 4 of rule XIII (requiring a three-day availability of the committee report) because the committee report was not filed until Tuesday, October 9th and the bill may be considered by the House as early as Thursday, October 11th.

The waiver of all points of order also includes a waiver of section 303 of the Congressional Budget Act of 1974 (prohibiting consideration of legislation, as reported, providing new changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to) because the bill includes at least five advanced appropriations for FY 2003.

Finally, a wavier of section 306 of the Congressional Budget Act of 1974 (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) is needed because the \$300 million emergency funding designation contained in the bill for the Low Income Energy Assistance Program was not designated as such by the Budget Committee.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 45

Date: October 10, 2001.

Measure: H.R. 3061.

Motion by: Representative Hastings (FL).

Summary of motion: To make in order the DeGette amendment, which allows federal funds to be used for emergency contraception in certain school based health clinics only when the state or local entity with governing authority over the health center determines that the distribution will prevent pregnancies and reduce the number of abortions, as a second degree amendment to the Hart amendment made in order by the rule.

Results: Defeated 3-8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Hall—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENT MADE IN ORDER UNDER THE RULE

(Summary derived from information provided by sponsor.)

Hart—Prohibits federal funds from going to state or local educational agencies that distribute the morning-after pill to minors on their premises or at their facilities.

TEXT OF AMENDMENT MADE IN ORDER UNDER THE RULE

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HART OF
PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title V, insert after the last section the following section:

SEC. 5 ____ . Part E of title XIV of the Elementary and Secondary Education Act of 1965 is amended by adding at the end the following:

“SEC. 14515. SCHOOLCHILDREN’S HEALTH PROTECTION.

“(a) SHORT TITLE.—This section may be cited as the ‘Schoolchildren’s Health Protection Act’.

“(b) IN GENERAL.—Notwithstanding any other provision of Federal law (including the specific provisions described in subsection (c)), no funds shall be made available under any applicable program to a State or local educational agency that distributes or provides—

“(1) postcoital emergency contraception (morning-after pill);

or

“(2) a prescription for postcoital emergency contraception (morning-after pill), to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

“(c) SPECIFIC PROVISIONS.—The specific provisions referred to in subsection (b) are section 330 and title X of the Public Health Service Act (42 U.S.C. 254b, 300 16 et seq.) and title V and XIX of the Social Security Act (42 U.S.C. 701 et seq., 17 1396 et seq.).

“(d) DEFINITIONS.—In this section:

“(1) POSTCOITAL EMERGENCY CONTRACEPTION.—The term ‘postcoital emergency contraception’ means any of the regimens described in the notice entitled ‘Prescription Drug Products; Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception,’ published in 5 the Federal Register on February 25, 1997, 62 Fed. Reg. 8610 (or any corresponding similar notice).

“(2) UNEMANCIPATED MINOR.—The term ‘unemancipated minor’ means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.”.